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PATENT

Attorney Docket No. 896034605001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. application of : Elizabeth K. Barber  
Serial No. : 09/966,264  
Filed : September 28, 2001  
For : **GENE EXPRESSION CONTROL DNA  
ELEMENT AND ASSOCIATED PROTEIN**  
Group Art Unit : 1632  
Examiner : Unknown

RECEIVED

AUG 22 2002

**RESPONSE TO NOTICE TO COMPLY WITH  
SEQUENCE LISTING REQUIREMENTS**

TECH CENTER 1600/2900

Commissioner for Patents  
c/o The Office of Initial Patent Examination  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Sequence Listing requirements, applicants submit herewith a substitute Sequence Listing in computer readable form (CRF) and in paper copy. The content of the paper and CRF copies are the same and include no new matter.

Applicants respectfully request entry of the substitute Sequence Listing into the specification.

Applicants have included all sequence listings shown in the Figures in the substitute Sequence Listing. Applicants respectfully submit that the Notice was in error in alleging that the nucleotide sequence "TGGCTGCAAGCCCAA" was not in the Sequence Listing. This sequence is SEQ ID NO: 32 in the original and the substitute Sequence Listing.

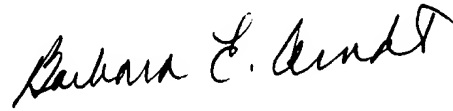
I hereby certify that this correspondence  
is being deposited today with the United  
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Patents, Washington, D.C. 20231  
on August 15, 2002

*Jacqui O'Brien*

The Commissioner is hereby authorized to charge any fees associated with the filing of this Notice to the Jones, Day, Reavis & Pogue Deposit Account No. 50-1432, our reference No. 896034-605001.

A Petition for a one-month extension of time accompanies this Response.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barbara E. Arndt".

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Barbara E. Arndt, Ph.D.  
Reg. No. 37,768

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